



CITY OF
ATLANTA, GEORGIA

04-0-1427

AN ORDINANCE

Carla Smith

BY: COUNCILMEMBER CARLA SMITH

AN ORDINANCE TO AMEND ORDINANCE NO. 04-O-0166 TO ABANDON THAT PORTION OF PROSPECT AVENUE SE LOCATED FROM MEAD STREET SOUTH TO ITS DEAD END AT THE CSX RAILROAD TRACKS CONSISTING OF .235 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 23 OF THE 14TH DISTRICT, FULTON COUNT, GEORGIA TO AUTHORIZE THE ISSUANCE OF A QUITCLAIM DEED TO BENTLEY PROPERTIES, INC. IN EXCHANGE FOR THE CONSTRUCTION OF SIDEWALKS ON BOTH SIDES OF MEAD STREET FROM BOULEVARD TO GRESS STREET; AND FOR OTHER PURPOSES

WHEREAS, on February 16, 2004, Council adopted Ordinance No. 04-O-0166 authorizing the abandonment by the City of Atlanta ("City") of Prospect Avenue, SE located from Mead Street south to its dead end at the CSX railroad tracks consisting of .235 acres, more or less, and being more specifically described in the attached exhibit "A" and directing the appraisal of the fair market value of the right of way area in fee simple to be paid as consideration for the issuance of a quit claim deed; and

WHEREAS, upon learning that the value of the right of way area had been appraised by the City at \$107,000, the abutting property owner, Bentley Properties, Inc., sought a re-determination of the property interests to be conveyed in the proposed Prospect Avenue abandonment; and

WHEREAS, in lieu of paying the appraised value, the property owner agrees to pay the City the sum of \$7,000.00 and to construct and install sidewalks on both sides of Mead Street between Boulevard and Gress Street; and

WHEREAS, the property owner agrees and the City has determined that it is desirable and in its best interest to convey the City's interest in Prospect Avenue by Quitclaim Deed to the property owner in exchange for the property owner's payment of \$7,000.00 and the construction and installation of the sidewalks as identified in Exhibit "B";

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That pursuant to Section 2-1578(d) of the Code of Ordinances, the following negotiated transaction between the City and the abutting property owner is approved:



- a) The City will execute and deliver to the abutting property owner, Bentley Properties, Inc., a Quitclaim Deed conveying the City's interest in that portion of Prospect Avenue more fully identified in Ordinance 04-O-0166 and attached hereto at Exhibit "A";
- b) In exchange and as consideration for the City's delivery of the Quitclaim Deed, Bentley Properties, Inc. agrees to pay to the City the sum of \$7,000 and agrees to design and install new sidewalks on both sides of Mead Street between Boulevard and Gress Street as located on the map attached as Exhibit "B" to this ordinance;
- c) The sidewalks shall be constructed in conformance with City code and specification and the approval of the Department of Public Works.
- d) Bentley Properties, Inc. or its designee shall deliver to the City prior to the construction of any development of the property adjacent to and including the abandoned street the amount of \$18,000.00 to be placed in an escrow account. Said money to be released to the property owner or its designee upon the completion of the sidewalks or released to the City ninety (90) days after the completion of the project if the sidewalks are not installed. In lieu of the escrowed amount, a performance or sidewalk bond in the equivalent amount is acceptable.

SECTION 2. That the Mayor is authorized to execute and deliver a Quitclaim Deed to the property owners conveying the abandoned portion of Prospect Avenue and is further authorized to enter into any agreement necessary to effectuate the transfer of interests and the construction of new sidewalks as expressed in Section 1 of this ordinance.

SECTION 3. That the City Attorney is directed to prepare a Quitclaim Deed and other agreements necessary to effectuate the transfer of interests and the installation of the new sidewalks.

SECTION 4. That the Quitclaim Deed and agreement will not become binding upon the City and the City will incur no liability under them until the Mayor has executed the document and has been attested to by the Municipal Clerk and delivered to the property owners.

SECTION 5. If by agreement the property owner is to place monies in an escrow account, the funds shall be placed in General Fund Account Number **3P01 494003 M11Q02939999**. The \$7,000.00 shall be placed in General Fund Account Number **1A01 491102 B00001**.

SECTION 6. That any provisions contained in the City's Code of Ordinances, presently in force and effect, are waived to the extent of any conflict with this Ordinance, and



further provided that, except as amended by this Ordinance, the remainder of Ordinance 04-O-0166 continues in full force and effect.

A true copy,

Phonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

September 7, 2004
September 8, 2004



CITY COUNCIL
ATLANTA, GEORGIA

JANUARY 20, 2004

AN ORDINANCE

04-0-0166

BY: COUNCILMEMBER CARLA SMITH

AN ORDINANCE TO ABANDON THAT PORTION OF PROSPECT AVENUE, SE LOCATED FROM MEAD STREET SOUTH TO ITS DEAD END AT THE CSX RAILROAD TRACKS CONSISTING OF .235 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 23 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal request from the abutting property owner, to abandon a portion of PROSPECT AVENUE, SE for the purpose of using the property for their own private use; and

WHEREAS, the request to abandon said street has been reviewed by the proper city agencies and by all public utilities prior to passage of the legislation; and

WHEREAS, the abandoned right-of-way will become part of the abutting owner's private property and will be their responsibility to maintain, operate, and provide all services and utilities; and

WHEREAS, the abutting property owner has agreed to acquire said streets from the City of Atlanta for the appraised fair market value; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That the portion of PROSPECT AVENUE, SE located from Mead Street to its dead end at the CSX Railroad Tracks consisting of .235 acres, more or less, and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 23 of the 14th District, Fulton County, Georgia, same is hereby declared no longer useful or necessary for the public's use and convenience.

SECTION 2. That the City's intent is hereby given to abandon said street.



SECTION 3. That the abutting property owner's have agreed to pay the fair market value of the abandoned street as determined by the appraisal of said street.

SECTION 4. That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

SECTION 5. That the Director of Purchasing and Real Estate be and is hereby authorized to appraise said streets to determine their fair market land value.

SECTION 6. That all costs associated with the appraisal report shall be charged to and paid from Account Number 1A01524001G55001.

SECTION 7. That the Mayor be and is hereby authorized to execute a quitclaim deed to said streets.

SECTION 8. That all ordinance and parts of ordinances in conflict herewith be and the same are hereby repealed.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

FEB 16, 2004
FEB 24, 2004

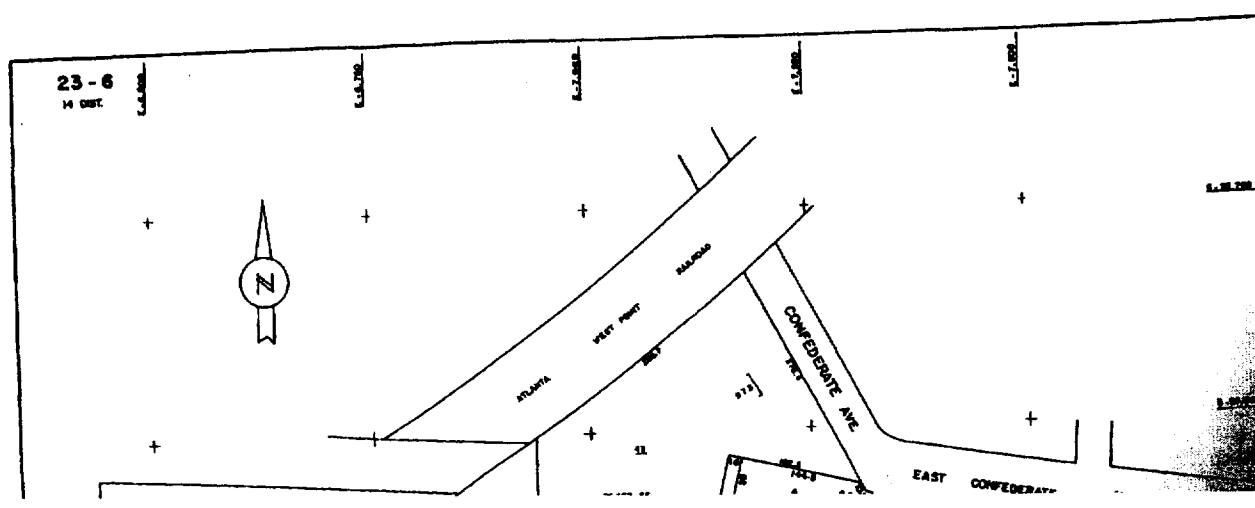


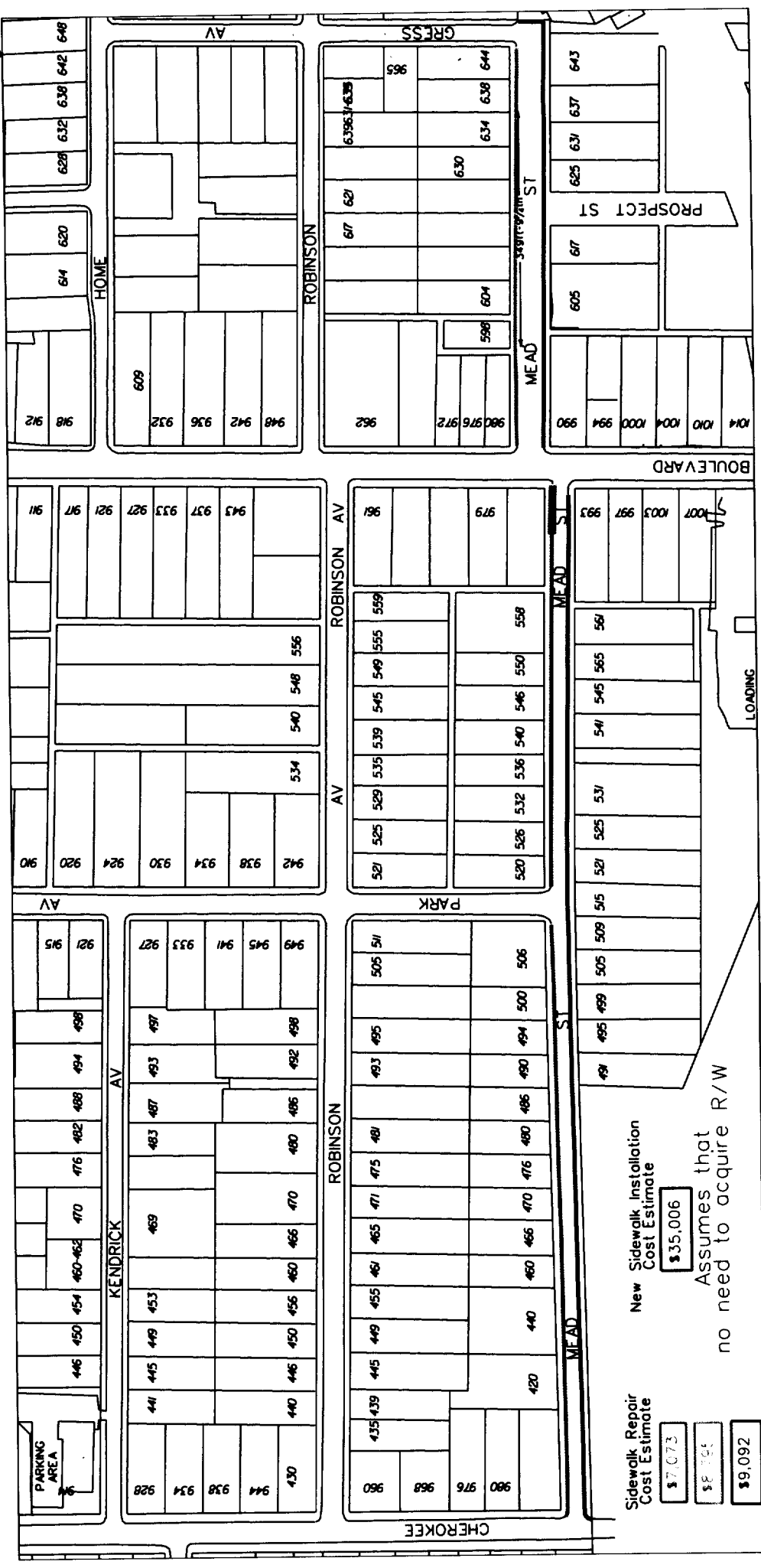


EXHIBIT "A2"

Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 23, 14th District, Fulton County, Georgia and being more particularly described as follows:

COMMENCE at the intersection of the southern right of way line of Mead Street (60 foot right of way) (formerly known as Grady Avenue and formerly known as Meade Street) and the eastern right of way line of Boulevard Street; thence easterly along said southern right of way line 330.24 feet to a rebar found at the intersection of said southern right of way line and the western right of way line of Prospect Avenue (40 foot right of way) (unimproved) and the POINT OF BEGINNING; thence easterly along said southern right of way line and along the northern end of the pavement of said Prospect Avenue North 89° 50' 46" East a distance of 40.07 feet to a rebar found at the intersection of said southern right of way line and the eastern right of way line of said Prospect Avenue; thence leaving said southern right of way line and along said eastern right of way line of Prospect Avenue South 00° 00' 00" West a distance of 248.35 feet to a point; thence leaving said eastern right of way line South 71° 02' 56" West a distance of 42.36 feet to a point on the western right of way line of said Prospect Avenue; thence along said western right of way line North 00° 00' 00" West 262.00 feet to a rebar found at the intersection of said western right of way line and the southern right of way line of Mead Street and the POINT OF BEGINNING; said parcel containing 0.235 acres as shown on Right of Way Location Map for Ted B. Jacobson, dated August 14, 2002, prepared by McClung Surveying Services, Inc. and bearing the certification of Michael R. Noles, GRLS No. 2646.



RCS# 5456
2/16/04
7:47 PM

Atlanta City Council

Regular Session

04-O-0166

ABANDON PORTION PROSPECT AVENUE FM/MEAD
STREET TO IT'S DEAD END @ CSX RAILROAD
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

| | | | |
|-----------|-------------|-----------|------------|
| B Smith | Y Archibong | Y Moore | Y Mitchell |
| Y Starnes | Y Fauver | Y Martin | Y Norwood |
| Y Young | Y Shook | Y Maddox | NV Willis |
| Y Winslow | Y Muller | Y Boazman | NV Woolard |

04-O-0166

#15

04-0-0166

(Do Not Write Above This Line)

AN ORDINANCE

Carla Smith
BY: COUNCILMEMBER CARLA SMITH

AN ORDINANCE TO ABANDON THAT PORTION OF PROSPECT AVENUE, SE LOCATED FROM MEAD STREET SOUTH TO ITS DEAD END AT THE CSX RAILROAD TRACKS CONSISTING OF .235 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 23 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

ADOPTED BY

FEB 16 2004

COUNCIL

- ☐ CONSENT REFER
☒ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Other

Members

Refer To

COUNCIL ACTION

☒ 2nd☐ 1st & 2nd☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

FEB 16 2004

CERTIFIED

FEB 16 2004

Ruth Dawkins Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

FEB 24 2004

MAYOR

RCS# 5986
9/07/04
2:30 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (2-17)
EXCEPT 1369;1478;1319
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 2

| | | | |
|-----------|-------------|-----------|------------|
| B Smith | Y Archibong | Y Moore | Y Mitchell |
| Y Starnes | Y Fauver | NV Martin | Y Norwood |
| Y Young | Y Shook | NV Maddox | Y Willis |
| B Winslow | Y Muller | Y Sheperd | NV Borders |

| | | 9-07-4 Council Meeting |
|---|--|---|
| ITEMS ADOPTED ON CONSENT | ITEMS ADOPTED ON CONSENT | ITEMS ADVERSE ON CONSENT |
| 1. 04-O-1423 2. 04-O-1437 3. 04-O-1438 4. 04-O-1439 5. 04-O-0327 6. 04-O-0752 7. 04-O-1419 8. 04-O-1427 9. 04-O-1424 10. 04-O-1436 11. 04-O-1318 12. 04-O-1319 13. 04-O-1422 14. 04-R-1212 15. 04-R-1474 16. 04-R-1550 17. 04-R-1374 18. 04-R-1467 19. 04-R-1475 20. 04-R-1476 21. 04-R-1497 22. 04-R-1498 23. 04-R-1499 24. 04-R-1515 25. 04-R-1471 26. 04-R-1432 27. 04-R-1387 28. 04-R-1482 29. 04-R-1483 30. 04-R-1484 31. 04-R-1486 32. 04-R-1488 33. 04-R-1511 34. 04-R-1512 35. 04-R-1477 36. 04-R-1490 37. 04-R-1492 38. 04-R-1493 39. 04-R-1494 40. 04-R-1516 | 41. 04-R-1517 42. 04-R-1518 43. 04-R-1519 44. 04-R-1520 45. 04-R-1521 46. 04-R-1522 47. 04-R-1523 48. 04-R-1524 49. 04-R-1525 50. 04-R-1526 | 51. 03-R-2092 52. 03-R-2093 53. 03-R-2094 54. 03-R-2095 55. 03-R-2096 56. 03-R-2097 57. 03-R-2098 58. 03-R-2099 59. 03-R-2100 60. 03-R-2101 61. 03-R-2102 62. 03-R-2103 63. 03-R-2104 64. 03-R-2105 65. 04-R-1527 66. 04-R-1528 67. 04-R-1529 68. 04-R-1530 69. 04-R-1531 70. 04-R-1532 71. 04-R-1533 72. 04-R-1534 73. 04-R-1535 74. 04-R-1536 75. 04-R-1537 76. 04-R-1538 77. 04-R-1539 78. 04-R-1540 79. 04-R-1541 80. 04-R-1542 81. 04-R-1543 82. 04-R-1544 83. 04-R-1545 84. 04-R-1546 85. 04-R-1547 86. 04-R-1548 87. 04-R-1514 |

